

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

David Harvey

v.

09-cv-391-JD

Northern NH Correctional Facility, Warden

ORDER

The plaintiff has failed to pay the necessary filing fee or to file a Motion to Proceed In Forma Pauperis as directed by court order dated November 12, 2009 . The plaintiff was notified that the failure to comply with the court's order would result in the matter being referred to a judicial officer to enter an order of dismissal without prejudice. Due to plaintiff's non-compliance with the court's order, the case is dismissed without prejudice pursuant to LR 4.4.

So ordered.

Date: January 13, 2009

/s/Joseph A. DiClerico, Jr.
Joseph A. DiClerico, Jr.
United States District Judge

cc: David Harvey
Bonnie Reed, Financial Administrator
Tia Maria Hooper, Deputy Clerk
Inmate Accounts